

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

IRMA HOLLAND,

Plaintiff,

v.

CIVIL ACTION NO. 2:13-cv-015663

C. R. BARD, INC.,

Defendant.

MEMORANDUM OPINION AND ORDER

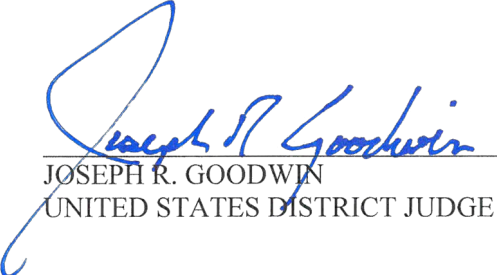
Pending is Defendant C.R. Bard, Inc.'s ("Bard") Motion to Dismiss Plaintiff Irma Holland's Complaint Against Bard with Prejudice for Insufficient Service of Process, filed on March 28, 2019. [ECF No. 18]. Bard asserts that plaintiff's case should be dismissed with prejudice for failure to serve Bard with process in this case for over five and a half years. Plaintiff, who is *pro se*, has not responded to this motion despite having been served with the Motion by Bard.

For reasons appearing to the court, the court finds that plaintiff's case should be dismissed without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure for failure to timely serve the defendant. The court **ORDERS** that the Defendant C. R. Bard, Inc.'s ("Bard") Motion to Dismiss Plaintiff Irma Holland's Complaint Against Bard with Prejudice for Insufficient Service of Process [ECF No. 18] is **GRANTED** to the extent Bard seeks dismissal for failure to serve and is

otherwise **DENIED**. The court **ORDERS** that this case is dismissed without prejudice and stricken from the court's docket.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: July 11, 2019



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE